

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FREEDOM FROM RELIGION FOUNDATION, §
INC., §
Plaintiff, §
§
v. § No. 1-16:cv-00233-SS
§
GOVERNOR GREG ABBOTT AND ROD §
WELSH,¹ EXECUTIVE DIRECTOR OF TEXAS §
STATE PRESERVATION BOARD, §
Defendants. §

JOINT REPORT ON ALTERNATIVE DISPUTE RESOLUTION

Pursuant to Local Rule CV-88, the parties file this Joint Report on Alternative Dispute Resolution.

Status of Settlement Negotiations. Pursuant to the Court's May 10, 2016 Order (Doc. 16), the parties have discussed whether this case might be resolved by settlement. Thus far, those discussions have proved unsuccessful.

Person Responsible for Negotiations. The person responsible for any negotiations on behalf of the Defendants is Anne Marie Mackin, Assistant Attorney General and counsel for Defendants. The person responsible for any negotiations on behalf of the Plaintiff is Richard Bolton, counsel for Plaintiffs.

¹ John Sneed, who was Executive Director of the Preservation Board when this lawsuit was filed, was initially named as a defendant in this lawsuit, along with Governor Abbott. The individual capacity claims against Director Sneed were dismissed by the Court on June 21, 2016 (Doc. 28). Pursuant to Federal Rule of Civil Procedure 25(d), “[a]n action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer’s successor is automatically substituted as a party. Later proceedings should be in the substituted party’s name[.]” Because Rod Welsh is now Executive Director of the State Preservation Board, he takes Director Sneed’s place as an official capacity defendant in this cause.

Appropriateness of ADR. Given the nature of the parties' dispute and the failure of settlement discussions thus far, the parties do not believe that ADR would prove productive in this case.

Respectfully submitted,

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